

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JASON GONZALEZ, a minor, by his mother and best friend, Melba Usquiano,

Plaintiff,

ECF Case

07 Civ. 7600 (CLB)

-against-

**AMENDED  
NOTICE OF MOTION**

PHILIP AMICONE, individually, EDMUND HARTNETT, individually, JOHN A. LISZEWSKI, individually, CITY OF YONKERS, New York, POLICE OFFICER SHIELD #336, POLICE OFFICER SHIELD #124, POLICE OFFICER SHIELD #942, individually, POLICE OFFICERS JOHN DOE'S #1 - #20,

Defendants.

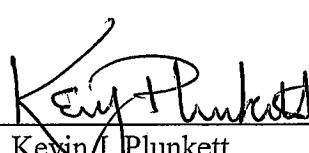
Defendants by their attorneys, DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, will move this Court, pursuant to local Civil Rule 1.4, before the Honorable Charles L. Brieant, United States District Court for the Southern District of New York, 300 Quarropas Street, White Plains, New York on a date to be determined by the Court, for an Order substituting DelBello Donnellan Weingarten Wise & Wiederkehr, LLP as counsel for Defendants in the above-captioned action replacing the law firm of Thacher Proffitt & Wood LLP.

Dated: White Plains, New York

March 21, 2008

DELBELLO DONNELLAN WEINGARTEN  
WISE & WIEDERKEHR, LLP

By:

  
Kevin J. Plunkett  
One North Lexington Avenue  
White Plains, New York 10601  
(914) 681-0200

TO:

*Attorneys for Plaintiff*

LOVETT & GOULD, LLP  
Jonathan Lovett, Esq.  
222 Bloomingdale Road  
White Plains, New York 10605  
(914) 428-8401

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Plaintiff,

-against-

PHILIP AMICONE, individually, EDMUND HARTNETT, individually, JOHN A. LISZEWSKI, individually, CITY OF YONKERS, New York, POLICE OFFICER SHIELD #336, POLICE OFFICER SHIELD #124, POLICE OFFICER SHIELD #942, individually, POLICE OFFICERS JOHN DOE'S #1 - #20,

Defendants.

STATE OF NEW YORK )  
                          ) ss.:  
COUNTY OF WESTCHESTER )

Kevin J. Plunkett, being duly sworn, deposes and says:

1. I am a partner in the firm of DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, One North Lexington Avenue, White Plains, New York 10601. I am admitted to practice before this Court. Pursuant to Local Civil Rule 1.4, I submit this affidavit in support of an application for an order substituting DelBello Donnellan Weingarten Wise & Wiederkehr, LLP as counsel for Defendants in the above-captioned action for Thacher Proffitt & Wood LLP, 50 Main Street, White Plains, New York 10606.

2. I recently moved my practice from Thacher Proffitt & Wood LLP to DelBello Donnellan Weingarten Wise & Wiederkehr, LLP.

3. This substitution is sought at the request of Defendants who have informed me that they wish for me to continue working on this matter at my new firm.

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**AMENDED AFFIDAVIT OF  
KEVIN J. PLUNKETT**

  
\_\_\_\_\_  
Kevin J. Plunkett

Sworn to before me this  
21 day of March, 2008

  
\_\_\_\_\_  
Kristen A. Kelley  
Notary Public

KRISTEN A. KELLEY  
Notary Public, State of New York  
No. 02KE6115705  
Qualified in Westchester County  
Commission Expires September 13, 2008